

**DEPARTMENT OF HOMELAND SECURITY
BOARD FOR CORRECTION OF MILITARY RECORDS**

Application for the Correction of
the Coast Guard Record of:

**FINAL DECISION
BCMR Docket No. 2003-140**

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XXXXXXXXXXXXXXXXXXXXX

SUMMARY OF THE RECORD

The applicant asked the Board to correct his record to show that he reenlisted for 5 years at the end of his enlistment, November 29, 2003, rather than on June 30, 2003. He alleged that he was told that he would receive a selective reenlistment bonus (SRB) if he canceled a prior 18-month extension contract and reenlisted on June 30, 2003. He alleged that he was not actually counseled about SRBs until mid July 2003, when the Personnel Command asked his command for documentation of his SRB counseling. The applicant stated that although he canceled the extension contract and reenlisted for 5 years on June 30, 2003, he did not receive the SRB because he was not legally authorized to reenlist until he was within 3 months of the end of his original enlistment, which was November 29, 2003. The applicant's reenlistment contract dated June 30, 2003, shows that he was promised the SRB. In addition, he submitted a statement from his Personnel Reporting Unit who confirmed his allegations.

The Judge Advocate General of the Coast Guard recommended that the Board grant the applicant's request because the record supports the applicant's allegation of error. He recommended that the Board reenlist the applicant for 5 years on August 30, 2003.

In response to the Judge Advocate General's advisory opinion, the applicant stated that, if he had received accurate and timely counseling, he would have waited to reenlist until the end of November 2003 in order to have no deductions from his SRB for months of previously obligated service, as would happen if he were reenlisted as of August 30, 2003. Moreover, he stated that since November 30, 2003, has passed, he is now asking that his 5-year reenlistment be voided and that his 18-month extension remain in effect so that he will have a chance to reenlist in May 2005.

FINDINGS AND CONCLUSIONS

Under Article 3.C. of the Personnel Manual, the applicant was entitled to proper and timely counseling concerning his eligibility for an SRB. The applicant has proved that he was erroneously counseled that he could reenlist 5 months early to receive an SRB. Moreover, he apparently did not receive proper counseling until several weeks after he reenlisted.

Although the applicant, now in retrospect, asks for the previously canceled extension contract to be reinstated and the reenlistment contract to be voided, the Board is not persuaded that this is what the applicant would have chosen to do if he had been properly and timely counseled about SRBs within 3 months of the end of his enlistment as required under Article

3.C. Whenever an applicant proves that he has received improper or untimely SRB counseling, the Board's policy is not to fulfill the erroneous promises made by the applicant's command or to make any correction requested by the applicant, but to return the applicant to the position he would have been in had he been properly and timely counseled. The applicant has admitted and the Board finds that, if he had been properly counseled, the applicant would have waited to reenlist until the end of his original enlistment to have no deductions from his SRB for previously obligated service. Accordingly, this is the relief that should be granted.

ORDER

The military record of MK2 xxxxxxxxxxxxxxxxxxxx, USCG, shall be corrected by changing the date of his 5-year reenlistment contract from June 30, 2003, to November 30, 2003. The Coast Guard shall pay him any amount he may be due under ALCOAST 182/03 as a result of this correction.

May 20, 2004
Date

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John M. Dickinson